

# **Exhibit 4**

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, ET AL.,**  
5 **INDIVIDUALLY AND ON BEHALF OF A CLASS OF**  
6 **ALL OTHERS SIMILARLY SITUATED,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., ET AL.,**

10 Defendants.  
11 -----

12 **EXAMINATION BEFORE TRIAL OF MICHAEL ACQUINO**

13 **APPEARING REMOTELY FROM**

14 **BUFFALO, NEW YORK**

15  
16 September 5th, 2023

17 At 10:00 a.m.

18 Pursuant to notice  
19

20 REPORTED BY:

21 Rebecca L. DiBello, RPR, CSR(NY) (Pages 1-205)

22 Brooklyn Morton, Notary Public (Pages 206-256)

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

**DEPAOLO CROSBY REPORTING SERVICES, INC.**

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

—MICHAEL ACQUINO—

1 to an incident no matter where you were  
2 patrolling in Buffalo due to its small size?

3 A. Yes. I mean, like I said, you could get from  
4 the East Side to the West Side, I mean, pretty  
5 quickly.

6 Q. And while not responding to incidents were you  
7 routinely patrolling on Buffalo's East Side?

8 MS. FREELEY: Objection to form.

9 A. Yes, I was.

10 Q. Let me go ahead and stop sharing the screen  
11 now.

12 Is Buffalo's East Side an area that is a  
13 majority minority area?

14 MS. FREELEY: Objection to form.

15 A. Yes, sir.

16 Q. And did you know that while on Strike Force?

17 MS. FREELEY: Objection to form.

18 A. No. I mean, I started, like I said, in E  
19 District which is Upper East Side and then C  
20 District which is middle to Lower East Side.

21 Q. And is your experience as an officer in the C  
22 District and the E District where you became  
23 familiar with the demographics of Buffalo's

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—MICHAEL ACQUINO—

1           want these done over here. I would just know  
2           literally in a briefing lieutenants would  
3           brief us patrol officers on where the  
4           checkpoints were going to be.

5           Q. Are the majority of the checkpoints that  
6           Strike Force operated located on the East Side  
7           of Buffalo?

8                       MS. FREELEY: Objection to form.

9           A. I don't know. I'd have to look to see exactly  
10          where they were. I don't know. I mean, I  
11          remember doing them throughout the city. Were  
12          they more on the East Side? I would say yes.

13          Q. Did any superior officer ever tell you that  
14          checkpoints were to be concentrated in  
15          Buffalo's East Side?

16          A. No. I never heard anyone say that  
17          specifically. They would come up with them so  
18          I didn't -- it wouldn't be like just go out  
19          there and do a checkpoint on the East Side. It  
20          would be, for example, use Genesee and  
21          Fillmore. It would be in briefing checkpoint  
22          is at Genesee and Fillmore at such and such  
23          hours.

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—MICHAEL ACQUINO —

1           was formal written down. I wasn't there for  
2           that.

3           Q. Okay. And do you know what that policy  
4           stated?

5           A. No.

6           Q. While you were on Strike Force did you issue  
7           multiple tickets for tinted window violations?

8           A. Yes.

9           Q. Was it your practice to do that regularly?

10          A. Yes.

11          Q. Did you ever receive any guidance from a  
12          superior as to whether to issue multiple  
13          tickets for tinted window violations?

14          A. No. It's just in violation of vehicle and  
15          traffic.

16          Q. Were you ever instructed by a superior that it  
17          was inappropriate --

18          A. No.

19          Q. -- to write multiple tickets for tinted window  
20          violations?

21          A. No.

22          Q. Did you ever discuss the issue of writing  
23          multiple tickets for tinted window violations

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—MICHAEL ACQUINO—

1           it but, unfortunately, I'm not in that  
2           category in life, so --

3           Q. Did you ever discuss pension benefits with  
4           other officers on the Strike Force while you  
5           were in the unit?

6           A. I wouldn't discuss it. Obviously the older  
7           guys would, but --

8           Q. How could you increase your earnings as a  
9           patrol officer?

10          A. Overtime.

11          Q. Was there any other way to increase your  
12          earnings as a patrol officer?

13          A. Yes. Court time.

14          Q. And what is court time?

15          A. Court time is you get called for any hearing,  
16          felony hearings, conferences before you would  
17          go to these hearings, so I guess a court  
18          appearance to make it short.

19          Q. And did you often attend court appearances  
20          while on Strike Force?

21          A. I did.

22          Q. How often would you say you attended court  
23          appearances while on Strike Force?

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—MICHAEL ACQUINO—

1 present racial stereotypes?

2 MS. FREELEY: Same objection.

3 A. No.

4 Q. Have you seen any images while at the BPD and  
5 BPD office areas that you would consider to be  
6 obscenity?

7 MS. FREELEY: Same objection.

8 A. To be an obscenity?

9 Q. Yes.

10 A. No.

11 Q. I'm going to pull up another document here.  
12 This will be Exhibit 7. This is a PowerPoint  
13 presentation introduced to plaintiffs titled  
14 Implicit Bias, a Continuation of Procedural  
15 Justice with Bates -- starting with Bates  
16 number COB Hodgson 00349 and I'm going to  
17 actually look at -- so this training on the  
18 first page we're looking at has the date of  
19 May 2nd, 2023.

20 Do you recall receiving a training with  
21 this title?

22 A. Like I said, I don't remember. We have a lot  
23 of training.

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—MICHAEL ACQUINO—

1 Q. This training would have been on May 2nd of  
2 this year, so it would have been within the  
3 last few months. Do you recall receiving a  
4 training with this title in the past few  
5 months?

6 A. I just don't remember.

7 Q. Would you expect to remember this training if  
8 you received it in the past few months?

9 A. I don't think you know how busy like a date is  
10 on a day-to-day basis, so I probably wouldn't.

11 Q. Do you believe that training is effective if  
12 you don't remember its contents?

13 MS. FREELEY: Objection to form.

14 A. I'm not saying I don't remember the contents.  
15 I just don't remember.

16 Q. Could you tell me anything about the contents  
17 of this training?

18 A. I mean, just about bias, just favoring  
19 unconsciously someone, a group.

20 Q. What is your definition of the term implicit  
21 bias?

22 MS. FREELEY: Objection to form.

23 A. Like you're unconsciously favoring against

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—MICHAEL ACQUINO—

1 people or ethnicity.

2 Q. Did you take any specific steps to prevent  
3 yourself from exhibiting implicit bias?

4 MS. FREELEY: Objection to form.

5 A. I just know I don't do it, so it's a question  
6 I -- I don't need to take any steps if I don't  
7 do it.

8 Q. How do you know that you don't exhibit  
9 implicit bias?

10 MS. FREELEY: Objection to form.

11 A. I don't. So that is my answer.

12 Q. Have you ever seen another officer on the BPD  
13 exhibit implicit bias?

14 MS. FREELEY: Objection to form.

15 A. No, not that I can remember.

16 Q. I'll stop sharing this. I'm looking at the  
17 time. Do we want to go ahead and break for  
18 lunch?

19

20 (Lunch recess taken.)

21

22 Q. So next I'd like to talk a little bit about  
23 discipline within the BPD and I'm going to

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1 STATE OF NEW YORK)

2 ) ss.

3 COUNTY OF ERIE )

4  
5 I, Brooklyn Morton, Notary Public, in and for  
6 the County of Erie, State of New York, do  
7 hereby certify:

8 That the witness whose testimony appears  
9 hereinbefore was, before the commencement of  
10 their testimony, duly sworn to testify the  
11 truth, the whole truth and nothing but the  
12 truth; that said testimony was taken pursuant  
13 to notice at the time and place as herein set  
14 forth; that said testimony was taken down by me  
15 and thereafter transcribed into typewriting,  
16 and I hereby certify the foregoing testimony is  
17 a full, true and correct transcription of my  
18 shorthand notes so taken.

19 I further certify that I am neither counsel  
20 for nor related to any party to said action,  
21 nor in anyway interested in the outcome  
22 thereof.

23 IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed my seal on this  
18th day of September, 2023.

Brooklyn Morton

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Brooklyn Morton

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135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
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1 STATE OF NEW YORK)  
2 COUNTY OF ERIE )

3 I, Rebecca Lynne DiBello, CSR, RPR, Notary  
4 Public, in and for the County of Erie, State of  
New York, do hereby certify:

5  
6 That the witness whose testimony appears  
7 hereinbefore was, before the commencement of  
8 their testimony, duly sworn to testify the  
9 truth, the whole truth and nothing but the  
10 truth; that said testimony was taken pursuant  
11 to notice at the time and place as herein set  
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and I hereby certify the foregoing testimony is  
a full, true and correct transcription of my  
shorthand notes so taken.

12 I further certify that I am neither counsel  
13 for nor related to any party to said action,  
14 nor in anyway interested in the outcome  
thereof.

15 IN WITNESS WHEREOF, I have hereunto  
16 subscribed my name and affixed my seal this  
19th day of September, 2023.

17   
18

19 -----  
20 Rebecca Lynne DiBello, CSR, RPR  
21 Notary Public - State of New York  
22 No. 01D14897420  
23 Qualified in Erie County  
My commission expires 5/11/2027

**DEPAOLO CROSBY REPORTING SERVICES, INC.**

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